

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 226

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO THE PERFORMING ARTS; CREATING THE AFRICAN-AMERICAN PERFORMING ARTS CENTER AUTHORITY; PROVIDING DUTIES; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "African-American Performing Arts Center Authority Act".

Section 2. DEFINITIONS.--As used in the African-American Performing Arts Center Authority Act:

A. "authority" means the African-American performing arts center authority; and

B. "director" means the director of the authority.

Section 3. AUTHORITY--CREATED--MEMBERSHIP.--

A. The "African-American performing arts center authority" is created, consisting of nine members as follows:

underscored material = new
[bracketed material] = delete

1 (1) three members representing the African-
2 American performing arts center foundation, appointed by the
3 board of directors of the foundation;

4 (2) one member representing each of the three
5 occupants of the African-American performing arts center and
6 exhibit hall, appointed by the appropriate governing board; and

7 (3) three members appointed for staggered
8 four-year terms by the governor.

9 B. The authority shall elect a chair and such other
10 officers as it deems necessary to carry out its duties.

11 C. A majority of the appointed members of the
12 authority shall constitute a quorum for the transaction of
13 business of the authority.

14 D. Members of the authority shall receive per diem
15 and mileage as provided for nonsalaried public officers in the
16 Per Diem and Mileage Act and shall receive no other
17 compensation, perquisite or allowance.

18 Section 4. ADMINISTRATIVELY ATTACHED AGENCY.--The
19 authority is administratively attached through the state fair
20 commission to the tourism department.

21 Section 5. DUTIES OF AUTHORITY.--The authority shall:

22 A. meet at the call of the chair, but not less than
23 quarterly;

24 B. hire a director who shall serve as the
25 administrative officer of the authority. The director shall

.171328.2

underscoring material = new
[bracketed material] = delete

1 employ such other staff as necessary to carry out the duties of
2 the authority. The director and staff of the authority shall
3 be exempt from the provisions of the Personnel Act;

4 C. create and implement policies and procedures
5 consistent with those of the African-American performing arts
6 center foundation;

7 D. in conjunction with the African-American
8 performing arts center foundation, coordinate all activities
9 and have the direction and control of the African-American
10 performing arts center and exhibit hall; and

11 E. administer the African-American performing arts
12 center and exhibit hall:

13 (1) in a manner that will help educate the
14 public about the history and contributions of African-Americans
15 in New Mexico;

16 (2) as a place where people of all ages
17 throughout the state can visit, study, work, perform and
18 celebrate the contributions and significance of African-
19 Americans in New Mexico;

20 (3) so that New Mexicans will be able to link
21 their future with their past through literature, fine art,
22 modern dance and music, storytelling, poetry and prose,
23 painting, sculpture, movement and song;

24 (4) in coordination with other culturally
25 unique facilities that celebrate New Mexico's rich and diverse

.171328.2

underscored material = new
[bracketed material] = delete

1 heritage; and

2 (5) as a place to house permanent and
3 traveling art exhibits, as well as to provide public education
4 programs on the history, culture and arts of people of African
5 descent.

6 Section 6. AFRICAN-AMERICAN PERFORMING ARTS CENTER
7 FUND.--The "African-American performing arts center fund" is
8 created in the state treasury. The fund shall consist of
9 transfers, appropriations, gifts, grants, donations and
10 bequests made to the fund. Income from the fund shall be
11 credited to the fund, and money in the fund shall not revert or
12 be transferred to any other fund at the end of a fiscal year.
13 Money in the fund is appropriated to the authority for the
14 purposes of carrying out the provisions of the African-American
15 Performing Arts Center Authority Act. Expenditures from the
16 fund shall be made on warrant of the secretary of finance and
17 administration pursuant to vouchers signed by the director.

18 Section 7. TEMPORARY PROVISION--TRANSFER.--On the
19 effective date of this act:

20 A. the African-American performing arts center and
21 exhibit hall shall be transferred from the state fair
22 commission to the African-American performing arts center
23 authority; provided that the state fair commission shall
24 continue to provide those services, including available and
25 free parking for events, security, maintenance, trash

.171328.2

underscoring material = new
[bracketed material] = delete

1 collection and technical services, that were provided prior to
2 the transfer;

3 B. all non-capital-outlay appropriations and money
4 of the state fair commission that are directly related to the
5 African-American performing arts center and exhibit hall shall
6 be transferred to the African-American performing arts center
7 fund;

8 C. all capital outlay appropriations, personnel,
9 records, equipment, supplies and other property of the state
10 fair commission that are directly related to the African-
11 American performing arts center and exhibit hall shall be
12 transferred to the African-American performing arts center
13 authority; and

14 D. all contracts of the state fair commission that
15 are directly related to the African-American performing arts
16 center and exhibit hall shall be binding on the African-
17 American performing arts center authority.

18 Section 8. APPROPRIATION.--Four hundred fifty thousand
19 dollars (\$450,000) is appropriated from the general fund to the
20 African-American performing arts center fund for expenditure in
21 fiscal year 2009 and subsequent fiscal years for the purpose of
22 carrying out the provisions of the African-American Performing
23 Arts Center Authority Act. Any unexpended or unencumbered
24 balance remaining at the end of a fiscal year shall not revert
25 to the general fund.

.171328.2